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MAILED

JAN 25 2011

OFFICE OF PETITIONS

In re Application of
Angel Palacios
Application No. 10/599,178
Filed: September 21, 2006
Attorney Docket No.

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(a), filed November 29, 2010 to revive the above-identified application, which is being treated as a petition under 37 CFR 1.181 requesting withdrawal of the Notice of Abandonment mailed May 26, 2010.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, November 6, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 7, 2010.

Petitioner asserts the Notice of Abandonment mailed May 26, 2010 be withdrawn as petitioner never received the non-final Office action, mailed November 6, 2009.

To support this assertion petitioner has submitted: (1) a statement from petitioner stating that the Office communication was not received by the inventor and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received; and (2) a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed. Accordingly, it is concluded that petitioner never received the non-final Office action, mailed November 6, 2009.

Telephone inquiries concerning this decision should be directed to April M. Wise at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center technical support Staff Art Unit 2156 for the re-mailing of the Office action November 29, 2010 and resetting the period for reply.

/dab/

David Bucci
Petitions Examiner
Office of Petitions